

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREG MCMAHON and ADAM
GOLDBERG,

Plaintiffs,

v.

GENERAC POWER SYSTEMS, INC.,

Defendant.

Civil Action No. 2:21-cv-05660

**DECLARATION OF JANETH ANTONIO REGARDING MAILING OF
CLASS NOTICE AND REQUESTS FOR EXCLUSION**

I, Janeth Antonio, hereby declare as follows:

1. I am a Director at KCC Class Action Services, LLC (“KCC”), which serves as the Settlement Administrator for the above-captioned action. I am responsible for supervising the services provided by KCC for this matter. I am over the age of 21 and am otherwise competent to make this declaration. I have personal knowledge of the facts contained in this declaration, which are true and correct.

2. KCC specializes in class action notification and settlement administration, including telephone support, website implementation, and email and direct mail services. KCC has been approved by numerous courts throughout the country to provide class notice implementation and settlement/claim administration services for class actions involving consumers, pension benefits, securities, product liability, insurance antitrust, fraud, property, employment, discrimination, bankruptcy and other types of class action cases. We regularly provide class notice,

claim form and claims processing, claim review and administration, settlement website implementation, check distribution, and other claims administration services.

3. This Declaration describes the implementation of the Notice Plan as described in the Settlement Agreement, and in the Court's Preliminary Approval Order dated April 18, 2023 (ECF No. 23).

CAFA NOTICE

4. Pursuant to the Class Action Fairness Act of 2005, KCC mailed, on February 10, 2023, via First-Class Mail, notice of this Settlement, together with the Complaint, the Motion for Preliminary Approval of the Class Action Settlement with all attachments and the Settlement Agreement and all exhibits thereto, to the parties listed on **Exhibit A**, i.e., the United States Attorney General, the Attorneys General of each of the 50 states, the Attorney Generals of the 5 U.S Territories, as well as parties of interest to this Action.

NOTICE TO THE SETTLEMENT CLASS

5. Pursuant to the Court-approved Notice Plan, on June 27, 2023, KCC first emailed 53,462 Notices of Settlement to Settlement Class members for whom Generac provided an email address to KCC.

6. KCC mailed 175,895 Notices of Settlement to Settlement Class members. For Settlement Class members eligible to submit a Reimbursement Claim, the addresses were run through the National Change-of-Address Database.

7. Since the mailing of the Notices to the Class Members, KCC has received 3,147 Notices returned by the USPS with forwarding address. KCC immediately caused the Notice to be re-mailed to the forwarding addresses supplied by the USPS.

8. Since mailing of the Notices to the Class Members, KCC has received 15,888 Notices returned by the USPS with undeliverable addresses. Through credit bureau and/or other public source databases, KCC performed address searches for these undeliverable Notice Packets and was able to find updated addresses for 6,245 Class Members. KCC promptly re-mailed Notice Packets to the found new addresses.

9. Attached as **Exhibit B** is a true and correct copy of the final form of the Notice of Settlement, which was mailed or emailed to Settlement Class members per the above.

10. The deadline for Settlement Class members to file claims is September 25, 2023. As of September 12, 2023, KCC has received 9,526 Claim Forms. The Claim Forms are being reviewed and may not all be timely, complete, or otherwise valid.

SETTLEMENT WEBSITE AND TOLL-FREE NUMBER

11. Pursuant to the approved Notice Plan, in addition to the Class Notice mailing, on June 27, 2023, KCC, with input from the parties, made available an interactive, Settlement Website, www.FuelPlenumSettlement.com, which features answers to Frequently Asked Questions, contact information for the Settlement Administrator including e-mail and toll-free telephone number, important dates and deadlines, including the deadlines for objecting to or opting-out of the Settlement and for filing a claim for reimbursement under the Settlement, and the date and time of the Final Approval Hearing. The Settlement Website also contains a serial number lookup portal for persons and entities to determine whether their generator is a Class Generator, copies of important case documents such as the Complaint, Notice of Settlement, and Claim Form, Settlement Agreement, Motion for Preliminary Approval and the Preliminary Approval Order, Motion for Attorneys' Fees Costs, and Service Awards and will contain other submissions that will later be filed, including the Motion for Final Approval. KCC will, as directed

by counsel for the Parties, continue to promptly update the Settlement Website with other relevant information, orders, and documents agreed upon by counsel for the Parties.

12. As of September 11, 2023, there have been 20,439 users, 25,603 sessions/hits (active visits to the website), and 59,814 page views of the Settlement Website.

13. KCC maintains a 24-hour toll-free telephone line that Settlement Class members can call to obtain information about the Settlement, and during business hours the call center is staffed with operators who are trained to answer questions and provide any needed assistance about the Settlement and/or the claims process. Outside of business hours callers can hear answers to Frequently Asked Questions.

14. As of September 11, 2023, the toll-free telephone line has received 598 calls.

REQUESTS FOR EXCLUSION/OBJECTIONS

15. The deadline to mail a timely request for exclusion from, or object to, the Settlement was August 26, 2023.

16. As of September 12, 2023, KCC received a total of 15 purported requests for exclusion. Not all of the requests for exclusion may be timely and/or complete. The exclusion requests are being reviewed to determine whether they are timely and meet the criteria listed in Section E(1) of the Court's Preliminary Approval Order.

17. As of September 12, 2023, KCC has received no objections to the Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 13, 2023, in Vallejo, California.

Janeth Antonio

Janeth Antonio

Exhibit A

| Last | First | Company 1 | Company 2 | Address 1 | Address 2 | City | State | Zip |
|------------------|-----------------------|--|-----------|--|---------------------------------------|----------------|-------|------------|
| Garland | Merrick | Attorney General of the United States | | United States Department of Justice | 950 Pennsylvania Avenue, NW | Washington | DC | 20530-0001 |
| Taylor | Treg | Office of the Alaska Attorney General | | 1031 W. 4th Avenue, Suite 200 | | Anchorage | AK | 99501-1994 |
| Marshall | Steve | Office of the Alabama Attorney General | | 501 Washington Avenue | PO Box 300152 | Montgomery | AL | 36130-0152 |
| Griffin | Tim | Arkansas Attorney General Office | | 323 Center Street, Suite 200 | | Little Rock | AR | 72201-2610 |
| Mayes | Kris | Office of the Arizona Attorney General | | 2005 N. Central Avenue | | Phoenix | AZ | 85004 |
| CAFA Coordinator | | Office of the Attorney General | | Consumer Law Section | 455 Golden Gate Ave., Suite 11000 | San Francisco | CA | 94102 |
| Weiser | Phil | Office of the Colorado Attorney General | | Ralph L. Carr Colorado Judicial Center | 1300 Broadway, 10th Floor | Denver | CO | 80203 |
| Tong | William | State of Connecticut Attorney General | | 165 Capitol Avenue | | Hartford | CT | 06106 |
| Schwalb | Brian | District of Columbia Attorney General | | 400 6th St., NW | | Washington | DC | 20001 |
| Jennings | Kathy | Delaware Attorney General | | Carvel State Office Building | 820 N. French Street | Wilmington | DE | 19801 |
| Moody | Ashley | Office of the Attorney General of Florida | | The Capitol, PL-01 | | Tallahassee | FL | 32399-1050 |
| Carr | Chris | Office of the Georgia Attorney General | | 40 Capitol Square, SW | | Atlanta | GA | 30334-1300 |
| Lopez | Anne E. | Office of the Hawaii Attorney General | | 425 Queen Street | | Honolulu | HI | 96813 |
| Bird | Brenna | Iowa Attorney General | | Hoover State Office Building | 1305 E. Walnut Street | Des Moines | IA | 50319 |
| Labrador | Raul | State of Idaho Attorney General's Office | | 700 W. Jefferson Street, Suite 210 | P.O. Box 83720 | Boise | ID | 83720-1000 |
| Raoul | Kwame | Illinois Attorney General | | James R. Thompson Center | 100 W. Randolph Street | Chicago | IL | 60601 |
| Rokita | Todd | Indiana Attorney General's Office | | Indiana Government Center South | 302 West Washington Street, 5th Floor | Indianapolis | IN | 46204 |
| Kobach | Kris | Kansas Attorney General | | 120 S.W. 10th Ave., 2nd Floor | | Topeka | KS | 66612-1597 |
| Cameron | Daniel | Office of the Kentucky Attorney General | | 700 Capitol Ave. | Capitol Building, Suite 118 | Frankfort | KY | 40601 |
| Landry | Jeff | Office of the Louisiana Attorney General | | P.O. Box 94095 | | Baton Rouge | LA | 70804-4095 |
| Campbell | Andrea | Attorney General of Massachusetts | | 1 Ashburton Place | 20th Floor | Boston | MA | 02108-1698 |
| Brown | Anthony G. | Office of the Maryland Attorney General | | 200 St. Paul Place | | Baltimore | MD | 21202-2202 |
| Frey | Aaron | Office of the Maine Attorney General | | State House Station 6 | | Augusta | ME | 04333 |
| Nessel | Dana | Office of the Michigan Attorney General | | P.O. Box 30212 | 525 W. Ottawa Street | Lansing | MI | 48909-0212 |
| Keith Ellison | Attorney General | Attention: CAFA Coordinator | | 445 Minnesota Street | Suite 1400 | St. Paul | MN | 55101-2131 |
| Bailey | Andrew | Missouri Attorney General's Office | | Supreme Court Building | 207 W. High Street | Jefferson City | MO | 65101 |
| Fitch | Lynn | Mississippi Attorney General's Office | | Department of Justice | P.O. Box 220 | Jackson | MS | 39205 |
| Knudsen | Austin | Office of the Montana Attorney General | | Justice Bldg. | 215 N. Sanders Street | Helena | MT | 59620-1401 |
| Stein | Josh | North Carolina Attorney General | | Department of Justice | P.O. Box 629 | Raleigh | NC | 27602-0629 |
| Hilgers | Mike | Office of the Nebraska Attorney General | | State Capitol P.O. Box 98920 | | Lincoln | NE | 68509-8920 |
| Ford | Aaron | Nevada Attorney General | | Old Supreme Ct. Bldg. | 100 North Carson St. | Carson City | NV | 89701 |
| Formella | John | New Hampshire Attorney General | | Hew Hampshire Department of Justice | 33 Capitol St. | Concord | NH | 03301-6397 |
| Platkin | Matthew J. | Office of the New Jersey Attorney General | | Richard J. Hughes Justice Complex | 25 Market St., P.O. Box 080 | Trenton | NJ | 08625-0080 |
| Torrez | Raul | Office of the New Mexico Attorney General | | P.O. Drawer 1508 | | Santa Fe | NM | 87504-1508 |
| James | Lettia | Office of the New York Attorney General | | Dept. of Law - The Capitol | 2nd Floor | Albany | NY | 12224-0341 |
| Wrigley | Drew H. | North Dakota Office of the Attorney General | | State Capitol | 600 E. Boulevard Ave., Dept. 125 | Bismarck | ND | 58505-0040 |
| Yost | Dave | Ohio Attorney General | | Rhodes State Office Tower | 30 E. Broad St., 14th Flr. | Columbus | OH | 43215 |
| Drummond | Gentner | Oklahoma Office of the Attorney General | | 313 NE 21st St. | | Oklahoma City | OK | 73105 |
| Rosenblum | Ellen F. | Office of the Oregon Attorney General | | Justice Building | 1162 Court St., NE | Salem | OR | 97301-4096 |
| Shapiro | Josh | Pennsylvania Office of the Attorney General | | 16th Flr., Strawberry Square | | Harrisburg | PA | 17120 |
| Neronha | Peter | Rhode Island Office of the Attorney General | | 150 South Main St. | | Providence | RI | 02903 |
| Wilson | Alan | South Carolina Attorney General | | Rembert C. Dennis Office Bldg. | P.O. Box 11549 | Columbia | SC | 29211 |
| Jackley | Marty | South Dakota Office of the Attorney General | | 1302 East Highway 14, Suite 1 | | Pierre | SD | 57501-8501 |
| Skrmetti | Jonathan | Tennessee Attorney General and Reporter | | 425 5th Avenue North | | Nashville | TN | 37243 |
| Paxton | Ken | Attorney General of Texas | | Capitol Station | P.O. Box 12548 | Austin | TX | 78711-2548 |
| Reyes | Sean | Utah Office of the Attorney General | | P.O. Box 142320 | | Salt Lake City | UT | 84114-2320 |
| Clark | Charity R. | Office of the Attorney General of Vermont | | 109 State St. | | Montpelier | VT | 05609-1001 |
| Miyares | Jason | Office of the Virginia Attorney General | | 202 North Ninth St. | | Richmond | VA | 23219 |
| Ferguson | Bob | Washington State Attorney General | | 1125 Washington St. SE | P.O. Box 40100 | Olympia | WA | 98504-0100 |
| Morrissey | Patrick | West Virginia Attorney General | | State Capitol Complex, Bldg. 1, Rm. E-26 | 1900 Kanawha Blvd. E. | Charleston | WV | 25305 |
| Kaul | Josh | Office of the Wisconsin Attorney General | | Dept. of Justice, State Capitol | Rm. 114 East, P.O. Box 7857 | Madison | WI | 53707-7857 |
| Hill | Bridget | Office of the Wyoming Attorney General | | 109 State Capitol | | Cheyenne | WY | 82002 |
| Ala'ilima-Utu | Fainu'ulelei Falefatu | American Samoa Gov't | | Dept. of Legal Affairs, c/o Attorney General | P.O. Box 7 | Utulei | AS | 96799 |
| Moylan | Douglas | Office of the Attorney General, ITC Building | | 590 S. Marine Corps Dr. | Suite 706 | Tamuning | Guam | 96913 |
| Manibusan | Edward | Northern Mariana Islands Attorney General | | Administration Building | P.O. Box 10007 | Saipan | MP | 96950-8907 |
| Hernández | Domingo Emanuelli | Puerto Rico Attorney General | | Torre Chardón, Suite 1201 | 350 Carlos Chardón Ave. | San Juan | PR | 00918 |
| George | Denise N. | Virgin Islands Atty. General, DOJ | | 3438 Kronprindsens Gade | GERs Complex, 2nd Floor | St. Thomas | VI | 00802 |
| Geatens | Meaghan V. | Faegre Drinker Biddle & Reath LLP | | One Logan Square | Ste. 2000 | Philadelphia | PA | 19103 |

Exhibit B

Claim ID: <<ClaimID>>

LEGAL NOTICE

Please read this Notice as it affects your legal rights.

A federal court authorized this Notice. It is not a solicitation from a lawyer.

If you own or owned a Generac home standby generator with a fuel plenum that was part of Generac's voluntary fuel plenum inspection program, you may be entitled to benefits from a class action settlement.

A settlement has been proposed in a class action against Generac Power Systems, Inc. ("Generac"). The case concerns an Inspection Notice Letter that was sent to owners of certain Generac air cooled home standby generators in specific regions of the United States that were manufactured between 2008-2016. The Inspection Notice Letter offered inspections of generators' fuel plenums for a discounted \$80 fee that would be refunded if a plenum had significant corrosion (the "Inspection Program"). The Plaintiffs allege that Generac should not have had fees associated with the inspections, and that doing so amounted to a breach of its express and implied warranties. Generac denies any liability and has moved to dismiss the Plaintiffs' claims. The parties subsequently settled the lawsuit in order to avoid the costs, uncertainty, and inconvenience of litigation.

Who's included in the Settlement Class? The Settlement Class is defined as "(1) all current or former owners of a Class Generator [defined as Generac home standby generators that were part of the Inspection Program] who paid a \$80 Inspection Program fee that was not reimbursed prior to April 18, 2023, and (2) all current owners of Class Generators that were not inspected pursuant to the Inspection Program prior to April 18, 2023." "Excluded from the Settlement Class are: (i) Generac, its officers, directors, affiliates, legal representatives, employees, successors, and assigns, and entities in which Generac has a controlling interest; (ii) the judge presiding over the Lawsuit and any member of the Court's staff and immediate family; and (iii) local, municipal, state, and federal governmental entities."

What benefits does the Settlement provide? The Settlement provides for (1) a refund of the unreimbursed \$80 inspection fee for Settlement Class Members who paid for an inspection as part of the Inspection Program and (2) a cost-free plenum inspection by an Authorized Service Dealer, subject to certain conditions, for Settlement Class Members who have not had their plenum inspected for free through the Inspection Program, along with a repair of the plenum if it is found to be corroded after inspection. To receive your benefit, you must submit a valid and timely Claim Form. Claims must be submitted by September 25, 2023. You can file your Claim online at www.fuelplenumsettlement.com or download a Claim Form and file it by mail.

Your other options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **August 26, 2023**. If you do not exclude yourself, you may object to the Settlement by submitting a written objection by **August 26, 2023**. The Notice of Class Action Settlement available at the website explains how to exclude yourself from or object to the Settlement. The Court will hold a Final Approval Hearing on **September 27, 2023** to decide whether to approve the Settlement, whether to award Class Counsel attorneys' fees and expenses up to \$1.5 million paid separately from the class relief, and whether to award the Class Representatives Service Awards of up to \$2,500. You may hire your own attorney at your own expense, but you do not have to. If approved, these amounts, as well as all settlement administration costs, will be paid by Generac. For detailed information, call 1-855-664-1559 or visit www.fuelplenumsettlement.com.

Meridian v. Generac Power Systems
Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

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*A federal court authorized this Notice.
It is not a solicitation from a lawyer.*

**If you own or owned a Generac home
standby generator with a fuel plenum
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fuel plenum inspection program, you
may be entitled to benefits from a
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VISIT THE
SETTLEMENT
WEBSITE BY
SCANNING
THE PROVIDED
QR CODE

<<Barcode>>

Postal Service: Please Do Not Mark Barcode

Claim#: GPG-«ClaimID» - «MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

GPG

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